REMARKS

Claims 2-5 and 7-11 are pending in this application. The Examiner rejected Claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,141,010 to Hoyle. Applicants have cancelled Claims 1 and 6 without prejudice and without disclaimer. Applicants hereby reserve the right to prosecute Claims 1 and 6 in a continuation or divisional application. Applicants have amended herein Claims 2-5 and 7-9. Applicants have added new Claims 10 and 11. Applicants respectfully submit that Claims 2-5 and 7-11, as amended or added, are patentable over Hoyle.

The Patentability of Claims 2-5 and 7-11

Claims 2-5 and 7-11 describe a novel interactive graphic object and a method of using such an object. As recited by the claims, the interactive graphic object comprises "application logic and an advertising message." The application logic includes "tracking logic configured to track and measure user attention to said interactive graphic object." Accordingly, the interactive graphic object provides, within itself, a mechanism to track and measure user attention. This contrasts with prior art advertisements, such as the advertisements of Hoyle, which have been static advertisements that did not have, within an advertising object, tracking capabilities. For example, the static advertisements of Hoyle require a separate module, called a GUI module in Hoyle, to track the static banner advertisements of Hoyle. For this and other reasons, Claims 2-5 and 7-11 are patentable over Hoyle.

Response to the Rejection of Claims 1-5

The Examiner rejected Claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by Hoyle. Hoyle teaches an application program with two modules, a GUI module and an ADM module. Hoyle, Fig. 1. The GUI module provides a graphical user interface that presents a banner advertisement. Hoyle, Figs. 5 and 5a, Col. 4: 32-35. Furthermore, the GUI module "is operable in response to selection of a first one of the links to provide the user with access to its associated information resource and to notify the second program module [the ADM module] of the selection of that first link." Hoyle, Col. 4: 37-41. In response to receiving such notification, the ADM module is operable "to select the informational data to be displayed from among a larger amount of informational data" and "to store statistical data regarding the display of the selected informational data." Hoyle, Col. 4: 41-46. This interaction between the GUI module and the ADM module "permits targeting of banner advertisements."

Applicants have cancelled Claim 1 without prejudice and without disclaimer, and have added Claim 10 in place of Claim 1. Applicants respectfully submit that Hoyle does not teach the invention as claimed in new Claim 10 and amended Claims 2-5. For example, Hoyle does not teach the limitation of Claims 10 and 2-5 that states "providing an interactive graphic object comprising application logic and an advertising message." Furthermore, Hoyle does not teach the limitation of Claims 10 and 2-5 that states "providing, as part of said application logic of said interactive graphic object, tracking logic configured to track and measure user attention to said interactive graphic object."

The Examiner cited Column 5, lines 50-53 of Hoyle as showing that Hoyle anticipates the limitation "providing an interactive graphic object carrying an advertising message." Column 5, lines 50-53 teach informational data that "comprises a plurality of display objects with at least some of the display objects each having a data set associated therewith." From Column 5, lines 48-50, however, it is clear that the "informational data" is nothing more than banner advertisements: "The program is also operable to select and display informational data (such as a banner advertisement) in the information display region."

Applicants respectfully submit that the informational data of Hoyle, which is merely static information, are not the "interactive graphic object" of Claims 10 and 2-5. In particular, Claims 10 and 2-5 require the "interactive graphic object" to comprise "application logic." Additionally, Claims 10 and 2-5 require part of the "application logic" to be "tracking logic configured to track and measure user attention to said interactive graphic object." In accordance with these limitations, the interactive graphic objects of Claims 10 and 2-5 have logic, as part of the objects themselves, for tracking and measuring user attention to the objects. The banner advertisements of Hoyle have no such tracking logic within themselves. Rather, Hoyle relies on the GUI module, which is a module external to the banner advertisements, to determine when a banner advertisement has been selected by a user.

In addition, with respect to Claim 2, Hoyle does not teach "the method according to claim 10 wherein said user attention comprises user interaction with active graphical elements of said object." With respect to Claim 3, Hoyle does not teach "the method according to claim 10 wherein said user attention comprises moving said object to a desktop." With respect to Claim 4, Hoyle does not teach "the method according to claim 3 wherein said object on a desktop remains in communication with a server and is able to receive data from said server for updating said

advertising message." With respect to Claim 5, Hoyle does not teach "the method according to claim 3 wherein said object on a desktop provides a desired functionality to a user."

Accordingly, Applicants respectfully submit that Claims 10 and 2-5, as added or amended, are patentable over Hoyle and respectfully request the Examiner to allow these claims.

Response to the Rejection of Claims 6-9

The Examiner rejected Claims 6-9 under 35 U.S.C. § 102(e) as being anticipated by Hoyle. Citing Column 5, lines 46-50 of Hoyle, the Examiner has taken the position that the banner advertisement of Hoyle is an "interactive graphic object indicating a business contact." Furthermore, citing Column 7, lines 41-44 of Hoyle, the Examiner has taken the position that periodically updating the banner advertisements displayed by the Hoyle system in response to computer usage information constitutes "allowing a business contact to transmit information to said persistent interactive graphic objects from time to time."

Applicants respectfully disagree with the Examiner's interpretation. Applicants respectfully submit that the banner advertisements of Hoyle are static banner advertisements and therefore are not "interactive graphic objects." Furthermore, even if the banner advertisements of Hoyle were "interactive graphic objects," Applicants respectfully submit that Hoyle would still not meet the limitation of "allowing a business contact to transmit information to said persistent interactive graphic objects from time to time." The Hoyle system does not allow a business contact to transmit anything to the banner advertisements. Instead, the Hoyle system merely periodically replaces one banner advertisement with another.

Despite believing that Claims 6-9 are patentable as originally presented, Applicants have cancelled Claim 6 without prejudice and without disclaimer and have replaced Claim 6 with Claim 11 in order to highlight distinctions between the invention as claimed in Claims 11 and 7-9 and thereby expedite allowance of these claims. Applicants respectfully submit that new Claim 11 and amended Claims 7-9 are patentable over Hoyle. In particular, Hoyle does not teach "providing to a client a persistent interactive graphic object configured to establish an interactive, bi-directional connection between said client and a business contact" because nothing in the Hoyle system establishes a "bi-directional" connection between a client and a business contact. Furthermore, Hoyle does not teach "transmitting information from said business contact to said persistent interactive graphic object." As previously discussed, Hoyle does not teach transmitting anything from a business contact to the banner advertisements of Hoyle.

Additionally, with regard to Claim 7, Hoyle does not teach "the method according to claim 11 wherein said at least one function provided as part of said object includes electronic messaging with said business contact." With regard to Claim 8, Hoyle does not teach "the method according to claim 11 wherein said object can be relocated to a desktop." With regard to Claim 9, Hoyle does not teach "the method according to claim 8 wherein said object on a desktop remains in communication with a server and is able to receive data from said server for updating messages, servers, or links associated with said object."

In light of the foregoing, Applicants respectfully submit that Claims 11 and 7-9, as added or amended, are patentable over Hoyle. Accordingly, Applicants respectfully request the Examiner to allow Claims 11 and 7-9.

Request for Telephonic Interview

Applicants believe that they have adequately responded to each rejection of the Examiner and that the application is now in condition for allowance. Nevertheless, in the event that additional clarification is required, Applicants respectfully request the Examiner to contact the Examiner's attorney by telephone in order to resolve any outstanding issues. Applicants' attorney can be reached directly at (949) 721-2897.

Conclusion

Applicants respectfully submit that Claims 2-5 and 7-11 are in condition for allowance and respectfully request the allowance of these claims.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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